

### REMARKS

This paper is responsive to the Final Office Action mailed on October 6, 2005. Reconsideration of this application is respectfully requested. Claims 1-4, 8,9, 12-15, 17, 20-22, 25, 29-34, 37-39, 42 and 46-51 are currently pending in this application. Claim 12 is currently amended. Claims 25, 29-34, 37-39, 42, and 46-51 have been canceled without prejudice or disclaimer. Claims 1-4, 8-9, 12-15, 17, and 20-22 remain under consideration, and of these claims, 1 and 12 are independent. There are no new claims. No new matter is added.

Applicants have carefully reviewed the applied art, including Brophy (U.S. 1,616,604), Shigehisa et al (JP 10003596), Gartner et al. (U.S. 6,054,932), Hall (U.S. 2002/0145805), Fleming (U.S. 6,306,459), Pederson (U.S. 6,461,008), Gibb et al. (6,211,779), Gartner et al. (U.S. 5,898,381), Lys et al. (U.S. 6,340,868), Golle et al. (U.S. 6,769,138), and Traynor et al. (U.S. 2005/0152142).

Claims 1, 3, 8, 9, 12, 14, 17, 20-22, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 1,616,604 to Brophy in view of JP 10003596. This rejection is respectfully traversed in view of the following remarks.

Claim 1 is directed toward a safety indicator having a first color highly visible to an observer having ordinary color vision and a second color more perceptible by the blue-sensitive photoreceptors of a retina than by other photoreceptors. Brophy discloses a traffic signal having red and green portions. The action recognizes that Brophy does not disclose a traffic signal having a second color being more perceptible by blue-sensitive photoreceptors of a retina. The action, however, asserts that use of a blue color in place of the green color of Brophy would be obvious in light of Shigehisa ('596). Applicants disagree. The action states that Shigehisa describes the desirability of using a blue lamp in place of a green lamp in order to provide a color that normal vision people and colorblind people can see. However, Shigehisa discloses adding shapes to pre-existing traffic light lamps and does *not* suggest changing the color of the lamps of a traffic signal. Shigehisa discloses using holding plates over each traffic signal lamp to display a shape, with a different shape associated with each color, allowing colorblind people to differentiate between the colors. While the English translation of the abstract of Shigehisa does indicate that Shigehisa discusses a conventional traffic light with red, yellow, and blue lamps, this is a mistranslation: the Japanese word "ao" used to refer to the "blue" lamp is also

used to refer to the color green, and in particular commonly refers to the green of a traffic light. Shigehisa does *not* disclose specifically choosing to use a blue color to allow colorblind people to see, and in fact specifically discusses using pre-existing conventional traffic lights. Shigehisa discloses adding shapes to a conventional traffic signal, and does not discuss adjusting the color of the signal. Thus, Shigehisa fails to bridge the gap of Brophy.

Applicant therefore submits that the features recited in the independent claim 1 are not obvious over the references of record and respectfully requests that the rejection be withdrawn. Furthermore, applicant submits that the features recited in independent claim 12 are novel over the references of record for the same reasons as presented with respect to claim 1, and therefore respectfully requests that the rejection to claim 12 be withdrawn for at least the same reasons as provided for claim 1.

Since claims 2-4, 8-9, 13-15, 17 and 20-22 depend, directly or indirectly, from independent claims 1 and 12, Applicant submits that claims 2-4, 8-9, 13-15, 17 and 20-22 should be allowed for at least the same reasons as provided for claims 1 and 12.

For at least the reasons stated in the remarks, Applicant believes all pending claims to be in allowable condition. A favorable examination result is earnestly solicited. Questions or issues arising in this matter should be directed to Applicants' representatives, listed below.

Applicant believes the appropriate fee is filed with this response. However, please charge any deficiency to our Deposit Account No. 18-1945, under Order No. TBRX-P01-004 from which the undersigned is authorized to draw.

Dated: January 6, 2006

Respectfully submitted,

By 

Edward J. Kelly

Registration No.: 38,996

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicant